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Date: **September 17, 2004**

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To: **Group Art Unit 1753**

Company: **U.S. Patent & Trademark Office**

**FAX NO.  
703-872-9306**

**Serial No. 10/038,505  
Filed December 20, 2001  
DeConde et al.**

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Operator: **Kathleen Smith 650-233-4575**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of  
Inventor(s): **DeConde et al.**

PATENT  
APPLICATION

Appln. No. 10/038,505  
series code ↑ serial no.  
Filed: **December 20, 2001**

Group Art Unit: **2855**

Examiner: M. Noori

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Title: **Fingerprint Sensors Using membrane Switch Arrays**

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**By Owner**

**Re Double-Patenting Rejection**

Commissioner for Patents  
PO Box 1450  
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Sir:

The owner, **Fidelica Microsystems, Inc.** of 100% interest in the instant application, by virtue of an Assignment recorded **March 5, 2002** at Reel **012936** / Frame **0565**, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the fully statutory term defined in 35 USC 154 and 173, as presently shortened by any terminal disclaimer, of prior patent **6,578,436 issued June 17, 2003**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The undersigned is attorney of record.

PAT-138 5/03

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Entity: Fidelica Microsystems, Inc.

By.

  
David A. Jakopin, Reg. No. 32,995  
Attorney of Record

Date: September 17, 2004

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